

ORDINANCE NO. 16-_____

BE IT ORDAINED by the City Council of the City of Huntsville, Alabama, as follows:

Section 1. The City Council of the City of Huntsville, Alabama, finds that an application has been presented to the City of Huntsville requesting a vacation of a portion of a utility and drainage easement; that the applicant has represented to the City of Huntsville that **Diltina Development Corporation**, is the owner of the property across which said easement lies; that said easement, or portion being vacated, is not presently used and is no longer needed for a public or municipal purpose.

Section 2. Pursuant to the findings in Section 1 hereinabove, the Mayor of the City of Huntsville, Alabama, is hereby authorized, requested and directed to execute a quitclaim deed vacating the easement hereinafter described, said deed being substantially in words and figures as follows, to-wit:

STATE OF ALABAMA
COUNTY OF MADISON

Quit-Claim Deed

Know all Men by these Presents: That, in consideration of One Hundred Dollars (\$100.00) and other good and valuable consideration to him in hand paid by the Grantee herein, the receipt of which is hereby acknowledged, **CITY OF HUNTSVILLE, AN ALABAMA MUNICIPAL CORPORATION** (herein referred to as "Grantor") does by these presents grant, bargain, sell and convey unto **DILTINA DEVELOPMENT CORPORATION, AN ALABAMA CORPORATION** (herein referred to as "Grantee") the following described real estate situated in Madison County, Alabama, to-wit:

UTILITY AND DRAINAGE EASEMENT TO BE VACATED

ALL THAT PART OF SECTION 10, TOWNSHIP 5 SOUTH, RANGE 1 EAST, CITY OF HUNTSVILLE, MADISON COUNTY, ALABAMA, AND BEING A PORTION OF A 10 FOOT WIDE UTILITY AND DRAINAGE EASEMENT ALONG THE COMMON LOT LINE BETWEEN LOTS 61 AND 62 OF INSPIRATION ON GREEN MOUNTAIN PHASE II AS RECORDED IN DOCUMENT NO. 20131024000686970 IN THE OFFICE OF THE JUDGE OF PROBATE, MADISON COUNTY, ALABAMA, AND BEING AMENDED BY THAT CERTAIN SURVEYOR'S AFFIDAVIT AS RECORDED IN DOCUMENT NO. 20131106000710750, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 1/2-INCH CAPPED IRON PIN (CA451LS) MARKING THE NORTHWEST CORNER OF SAID LOT 62 AND HAVING ALABAMA STATE PLANE COORDINATES (EAST ZONE, NAD '83) OF NORTH: 1497699.12, EAST: 451980.34; THENCE SOUTH 73 DEGREES 41 MINUTES 54 SECONDS EAST, 10.40 FEET TO THE POINT OF BEGINNING;

THENCE, FROM THE POINT OF BEGINNING, SOUTH 44 DEGREES 58 MINUTES 23 SECONDS EAST, 161.85 FEET TO A POINT; THENCE SOUTH 45 DEGREES 01 MINUTE 37 SECONDS WEST, 10.00 FEET TO A POINT; THENCE NORTH 44 DEGREES 58 MINUTES 23 SECONDS WEST, 161.54 FEET TO A POINT; THENCE NORTH 52 DEGREES 28 MINUTES 03 SECONDS EAST, 5.51 FEET TO A POINT; THENCE NORTH 32 DEGREES 18 MINUTES 35 SECONDS EAST, 4.65 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.04 ACRES (1613 SQUARE FEET) MORE OR LESS.

To Have and To Hold the aforegranted premises to the said Grantee, its successors and assigns forever.

In Witness Whereof, the said Grantor has set his hand and seal this 11th day of August, 2016.

CITY OF HUNTSVILLE, ALABAMA
a municipal corporation

by: **Tommy Battle, Mayor** {L.S.}

ATTEST:

By: _____
Kenneth Benion
City Clerk-Treasurer

STATE OF ALABAMA

COUNTY OF MADISON

I, the undersigned notary public, in and for said county and state, hereby certify Tommy Battle and Kenneth Benion, whose names as Mayor and City Clerk-Treasurer, respectively, of the **CITY OF HUNTSVILLE, an Alabama municipal corporation**, are signed to the foregoing document, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, as such officers and with full authority, executed the same voluntarily on the day the same bears date.

This 11th day of August, 2016.

Notary Public:
My commission expires:

Grantor's Name and mailing address:
CITY OF HUNTSVILLE
308 FOUNTAIN CIRCLE, P.O. BOX 308
HUNTSVILLE, AL 35801

Grantee's Name and mailing address:
DILTINA DEVELOPMENT CORPORATION
7545-A HIGHWAY 72 WEST
MADISON, AL 35758

Property address:
Vacant Land

Date of Sale: _____
Total Purchase Price: _____
Or
Actual Value: _____
Or
Assessed Value: _____

The Purchase price or actual value claimed on this form can be verified in the following documentary evidence: (Check one) (Recordation of documentary evidence is not required)

____ Bill of Sale
____ Sales Contract
____ Closing Statement
____ Appraisal
☒ Other

This property does _____ does not ☒ constitute the homestead of the Grantor or the Grantor's spouse. (Check One)

THIS INSTRUMENT PREPARED BY:

Keith Jones
Wolfe, Jones, Wolfe, Hancock, Daniel & South,
LLC
905 Bob Wallace Avenue
Huntsville, AL 35801

File # J15-1609

Ordinance No. 16-_____ (Cont.)
Diltina Development Corporation

ADOPTED this the 11th day of August, 2016.

President of the City Council
of the City of Huntsville, Alabama

APPROVED this the 11th day of August, 2016.

Mayor of the City of
Huntsville, Alabama